

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JEFFREY M. DAVIS, Jr.,

Plaintiff,

ORDER

v.

14-cv-278-wmc

MICHAEL MEISNER, *et al.*,

Defendants.

State inmate Jeffrey M. Davis, Jr., filed this civil action pursuant to 42 U.S.C. § 1983, concerning the conditions of his confinement at the Columbia Correctional Institution. On April 24, 2014, the court dismissed that complaint based on Davis's admission that he failed to complete the grievance process in violation of the exhaustion requirement found in the Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), which mandates exhaustion *before* filing suit.

Davis has now filed a motion to reopen this case, certifying that he has exhausted all of his claims. In addition, Davis has presented a new, amended version of his complaint. Davis, along with newly added "co-plaintiff" Christopher Goodvine, also move to certify a class action and they request appointment of class counsel.

Davis's motion to reopen this case will be granted. The motion for class certification and appointment of counsel, however, will be denied at this time. The court will reconsider those issues, if necessary, after it has ruled on plaintiffs' pending motions for leave to proceed *in forma pauperis* and screened the proposed amended complaint as required by the PLRA, 28 U.S.C. § 1915A, to determine whether any portion is legally

frivolous, malicious, fails to state a claim upon which relief may be granted or asks for money damages from a defendant who by law cannot be sued for money damages. This case is stayed and the court will take no further action on the proposed amended complaint until it has ruled on plaintiffs' pending motions for leave to proceed *in forma pauperis* and completed the screening process.

ORDER

IT IS ORDERED that:

1. Plaintiff Jeffrey M. Davis, Jr.'s motion to reopen (dkt. # 14) is GRANTED.
2. The motions for class certification and appointment of class counsel filed by plaintiffs Davis and Christopher Goodvine (dks. # 11, 12) are DENIED.
3. This case is STAYED until after the court has ruled on plaintiffs' pending motions for leave to proceed *in forma pauperis* and screened the proposed amended complaint as required by the PLRA, 28 U.S.C. § 1915A.

Entered this 29th day of September, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge